Professional Liability of the Construction Professional as an Expert Witness in the Spanish Legal Framework

Federico Garcia Erviti and Gema Maria Ramirez Pacheco

Faculty of Arquitecture, Polytechnic University of Madrid, Madrid, Avenida Juan de Herrera, 4, 30.203, Spain

Email: federico.garcia@upm.es; Gema.Ramirez@ua.es

Abstract:
Inside COBRA 2011 RICS International Research Conference, the present paper is linked to analyze the liability of the construction professional in his practice as a expert witness in the Spanish legal framework. In a large number of legal procedures related to the building it is necessary the intervention of the expert witness to report on the subject of litigation, and to give an opinion about possible causes and solutions. This field is increasingly importantly for the practice of construction professional that requires an important specialization. The expert provides his knowledge to the judge in the matter he is dealing with (construction, planning, assessment, legal, ...), providing arguments or reasons as the base for his case and acting as part of the evidence.
Although the importance of expert intervention in the judicial process, the responsibilities arising from their activity is a slightly studied field. Therefore, the study has as purpose to think about the regulation of professional activities raising different aims. The first is to define the action of the construction professional-expert witness and the need for expert evidence, establishing the legal implications of this professional activity. The different types of responsibilities (the civil, criminal and administrative) have been established as well as the economic, penal or disciplinary damages that can be derived from the expert report.
Keywords:
expert report, expert witness, law of evidence, professional liability

1 Introduction

In a large number of judicial processes relating to the building is required the intervention of a Expert witness to report on the subject of litigation, giving an informed view on possible causes and solutions (Sido, 2005). An expert can only bring to the attention of the judge matters of fact, so dominant that can only be issued by anyone who is trained in a particular branch of knowledge, whether scientific, artistic, technical, or a particular practice. The expert provides the judge the knowledge he is not required to master (building, planning, valuations, legal architecture, ...), providing arguments or reasons for the building of his trial thus acting as a test. Expert intervention is used as a means that can be used in court to assess the facts (Xiol, 2002). The survey will be made based on the mere knowledge of an expert, or rather the application of such knowledge in evaluating a particular test. The expert may be appointed judicially or proposed legal action by one or both parties. He may exercise the same influence on both the trial and his performance making his task indispensable in the investigation phase and the probative value on the course of proceedings.
This field is increasingly important for the professional practice of architects and other professionals related to construction, which requires significant expertise. The Civil law procedure (Article 340) defines the need. The same law states that experts should be legally qualified (article 457) by holding a university degree attesting to their expertise or not (Xiol, 2002), despite not having the same, proving to be versed in the speciality. According to Royal Decree 25/12/1977, of June 17 expert opinions are part of the professional work of the architect.

In spite of the importance of expert intervention in the judicial process, the responsibilities derived from his activities are a scarcely studied field. The responsibility can be defined as demand for compensation incase of damage or harm resulting from an act done freely (Gamble, 1987). Therefore, from the legal point of view, there must be accountability first, the course of damage, and secondly, personal conduct which could be attributed to the former. That is, there must be a causal or cause-effect relationship between a specific behaviour and the damage caused by it. This damage can result from breach of any law or any contractual obligation of the bond created by the free agreement of the parties to a contract. Therefore, to prove the causal relationship between a particular breach and expert performance it is essential to define the responsibility of the expert.
Both situations action-damage provide a third element of responsibility, which involves the duty to indemnify or compensate the damage caused. The way in which it materializes depends on the origin of responsibility. Legally there are, broadly, three types of responsibilities, civil, penal and administrative, describing their nature and their damages (Gillardin, 1989).

2 Civil responsability

2.1 Nature of civil liability

Expert's civil liability starts on voluntary or involuntary acts or omissions linked to his activity (Farr, 2005). These result in damage or harmful outcome which could have been avoided having acted diligently. This negligent conduct may occur in the content of the opinion, as the way to such issue (for example, the delay in the issuance) in operations involved in expert performance as the recognition of places (art. 345 LEC) or where appropriate, the assistance in the trial for oral ratification of the dictum. (art. 347 LEC).
Therefore the civil responsibility occurs within the scope of the activity of the experts in their individual relationships with the parties involved in the process. The judicial interpretation of such responsibility is based on the so-called 'theory of cost-benefit '. It states that anyone who takes advantage of an activity (in this case, which involves the provision of services as an expert), takes full responsibility in consequences resulting therefrom. Therefore the offended party does not need to prove the guilt of the perpetrator, but only the relationship between the damage and the conduct of the perpetrator. This theory is fully applicable to the professional activity of the expert.
From the practice of the whole profession we get enforcement of the lex artis, i.e, rules or obligations established for the exercise of a profession. Therefore, there is liability if there is damage or harm to the author of the commissioning of expert dictum or other persons resulting from a breach of those duties and standards. In any case, the expert's responsibility is not linked to the fact that the result of expertise is the cause of damage, but the latter is a consequence that the expert did not put the necessary means to obtain this result. This means performance rather than results:
"It is, in short, an obligation in the means used in the activity, not outcome, since it is not bound to the success of the action being taken but to exercise it appropriately (SSTS 8 June 2000 and 28 December 1996), it has been said that the provision of these professionals is the provision of means rather than result, therefore, for the obligation to be fulfilled, it is required stating that the practitioner has provided means to achieve the desired result, and these have been made in accordance with the lex artis, although the desired outcome has not been achieved (STS 7 February 2000) "(SAP Vizcaya of May 27, 2005)
Therefore, for the expert to be held responsible it is necessary to prove that the damage is caused directly by his activity as such (Font, 2000). However, in the event that it was so, the damage is caused by a judicial ruling against the interests of the affected party, issued on the basis of expert opinion. If the court assesses the valuations according to the rules of sound criticism (art. 348 LEC), it is questionable whether the lack of a direct relationship between the report and the damage (by the mediation of the sentence, when it has been called the "judicial filter"). This would prevent the allocation of liability to the expert, since the damage is caused by the judicial decision and not an erroneous or false opinion, although that was based on the latter. However, the Supreme Court has

shown that the responsibility of the expert is independent from the evaluation of evidence by the court:
"The powers of the court under the law in order for the assessment of expert evidence, made in civil proceedings for a declaration does not exempt (...) of responsibilities to an expert opinion issued by the act in which he must act, according to their knowledge and belief, as the margin of discretion that the subjectivity of the expert with the legitimate claims and discrepancies with those of others who come, but always with the diligence of a good professional in knowledge, art or craft concerned and therefore subject to the lex artis of the profession he exercises, without making intention or negligence "(STS 16 October 1985)

2.2 Assumptions of civil responsibility

The general principle underlying the civil responsibility is determined by Article 1902 of the Civil Code (CC), it states: "Whoever by act or omission causes harm to another, intervening fault or negligence, is obliged to compensate the damage caused. "This principle governs the so-called 'contractual liability' (Xiol, 2002). There is also a 'contractual liability' determined by Article 1101 CC, which occurs when the damage comes from the breach of the terms of a contract.
In practice, the difference between the two types of liability, contractual or tort, is defined primarily by the various periods of prescription for action to demand accountability (Gillardin, 1989). The limitation period is the period of time the affected party legally exercises the right to claim for damages. This period begins to run from the time of manifestation of the damage (Article 1969 CC).
The Civil Code, Article 1968, states that the limitation period is one year if the tort liability incurred in nature. On the contrary, if the responsibility is contractual, it is charged under Section 1964, which states that personal actions have not been identified, special term of prescription expires after fifteen years. Thus, once defined the contractual or tort, the time to bring in proceedings will be 1 or 15 years from the date on which the said damage has been manifested.
Contractual liability cases are linked to the expert's report commissioned by one of the parts of the process, the expert being forced to do his job with due diligence, including the completion of the dictum within a reasonable time. Therefore, any loss or damage caused by breach of these commitments, intentionally or in bad faith, negligence or default (i.e, delay fault in compliance with agreed period or default delay (i.e, in the implementation of agreed at a reasonable period), is a breach of the terms of the contract.
"(...) regardless of official duties imposed by the position of the expert and public nature of the role, as is the case with lawyers or attorneys that link the relationship with your client or expert who is appointed from acceptance of the assignment, has a contractual nature, namely leasing of services by providing the required, according to their profession (...) "(STS 16 October 1985)
Part of the doctrine also esteems that there is contractual relationship between the expert appointed by the Judge and the parties involved in office. In this case, the expert voluntarily joins the listings of professional associations that he presents to courts and tribunals (art. 341.1 LEC), is appointed at the request of the plaintiff or defendant (art. 339 LEC). According to art. 342.3 LEC, the court-appointed expert may apply for funding on account of the final settlement of their fees, and all are satisfied all the requirements for the existence of a tenancy agreement for services as provided in Article . CC 1544.
However, for another sector of the doctrine, the liability of the court-appointed expert is not contractual in nature, but tort. In defense of this thesis argues that the acceptance and oath of office does not create any legal relationship between the expert and the parties, it remains possible that they require compensation or want amends of the damage caused, based on an inexistent contract.
Finally, we can extend to the intervention of experts STS, 1 ª, 16.12.1996 (RJ 8971) which deals with the tort activity of the lawyers. According to this the tort liability is reserved for those cases where their conduct falls outside the orbit of the contract by action, not under an onerous contract, but by relation of friendship or kinship, no consideration.

2.3 Damages or consequences of civil liability

Civil law seeks to redress the damage by paying monetary compensation or repair the damage. It is common practice by the expert from the obligation to indemnify a third party for damages caused by reason of the exercise of professional expert activity is covered by a policy ensuring civil liability expert (Gamble, 1987).
Contract guarantees are excluded, in general, the responsibilities arising from (Farr, 2005):
1. Intentional crimes criminally prosecuted for being established
2. Fines and penalties of any kind.
3. Inexcusable disregard of the rule book of good construction, rules and regulations related to the environment, town planning, building or safety, in this case, applied to the activity of the insured as an expert. Understood as 'inexcusable' deliberately violated that involves awareness of the harm likely and reckless acceptance without valid reason.

3 Penal responsability

3.1 Nature of penal responsibility

Criminal liability arises from the breach of any legal or contractual obligation regulated in the Penal Code in relation to expert testimony. Note that the Penal Code (CP), approved by Law 10/1995, of November 23, amended by Law 15/2003 of 25 November-regulates crimes and offenses that are defined (Article 10 CP) as fraudulent or negligent omissions punishable by law is considered willful act or omission that is committed with intent to cause harm. On the other hand, it is considered reckless omission of a duty of care or safety precautions needed to avoid harm, without any, in this case, intent on action.
The criminalization of the act or omission as a crime or offense provided for in Article 13 CP in terms of penalties, as provided in Article 33, amended by Law 15/2003- with those who are punished. Establishing the criminality in felonies, lesser offenses and offenses. The impact on the offense hits its limitation period, according to art. CP 131.
Penal law does not seek financial compensation to the injured, but social disapproval or punishment by penalizing the liable party. However, CP article 116 states that every person criminally responsible for crime or misdemeanor is also civilly liable if any damages arise. That is, criminal liability involves the liability of the person responsible, resulting in additional obligation to provide compensation for damages caused to the person or persons aggrieved by their professional performance. That it is determined by the lack of criminal responsibility does not imply, however, the absence of liability, but only the lack of criminal jurisdiction of the court to rule on it, in which case the injured party may initiate a lawsuit against the expert for recovery of civil damages.

3.2 Assumptions of penal responsibility

3.2.1 Crimes against the Administration of Justice

Title XX of the Criminal Code regulates crimes against the administration of justice and Chapter IV, relating to perjury, referring to the punishable acts of experts during the exercise of their profession. This rule has been interpreted by the Supreme Court warning that, to fall into the offense up for failure "to the truth maliciously" on the expert opinion is necessary:
• In objective terms, the sentiments expressed in the opinion or ratification be contrary to reality, not sufficiently motivated or alter the facts verified
• In subjective terms, conscious awareness and deliberately not telling the truth.
So says a ruling by the STS February 18, 2009.
"But if the designated document can not objectively prove the falsity of the defendant's expert report, much less can it prove that the alleged misrepresentation was malicious, willful and deliberate, that is, awareness and willingness to present as true and correct, as mentioned, is the subjective element of the crime charged. "(STS of 18 February 2009)

Overall, the doctrine of this provision is contained in the following Judgement:
"Under the doctrine of this Court (See SSTS de2-11-2005 [RJ 2006, 2556], no 1483/2005 of 30.1.1998 [RJ 1998, 388] and, 28/05/1992 [RJ 1992, 4392]) the actus reus of art. 459 (RCL 1995, RCL 3170 and 1996, 777) requires that the expert's statement be false, meaning that there is contradiction between the statements and reality, discrepancies and opinions are insufficient, as expressed in art. 459.
The basic element of the criminal activity listed in that provision (cf. STS 03.01.2005 [RJ 2005.3615], no. 265/2005 consists of missing the truth maliciously in the expert opinion given in court cases, so that the falsity must be apparent or manifested by the rest of the evidence. But along with this objective element, it requires the concurrence of a subjective element, the fraud, since this offense under the current Penal Code, is eminently intentional, excluding the reckless mode. The fraud in this type of crime is reflected in the intentional delivery of a statement or report forgers. The reported crime rate has an inherent fraud that doesn't require anything more than cover the legal injury that may occur consciously and voluntarily, for the intentional characteristic of this crime, actually reach, without requiring additional intention of causing a particular injury in the Administration of Justice. The sentence of this Room of 5.5.1995 (RJ 1995, 4539) confirms this thesis, without requiring the author of these facts act with a special animosity or intent to injure any of the parties in dispute. The crime of perjury is a conscious and deliberate falsehood or lie of the witness's statement or a malicious lack of truth in the expert's report. But it requires not only the lack of objective truth in the statement or in the opinion but also the direct intent, consisting of discovering the falsehood and willing to express it. (STS of 15 June 2007).

3.2.2 Crimes against Public Administration

Among the offenses against public administration, the Penal Code includes the crime of bribery, that article CP 422 expressly extends to experts. The crime of bribery applies to those who "benefit for oneself or a third party, requests or receives, either directly or through intermediaries, gift or present or accept an offer or promise to perform in the exercise of his office an act or omission constituting crime "(art. 419 CP) This reference to experts should be considered extensible not only to the designated court, but also to those appointed by the parties, since the LEC equates to two (Article 335.1)

3.3 Damages or penalties resulting from penal liability

Criminal law, unlike civil law, seeking social disapproval of the individual whose conduct is covered or an offense under the Penal Code . The Code regulates various crimes or offenses that may be penalized by the imposition of sentences of imprisonment, disqualification from office of an expert, or the imposition of fines.
The offense is punishable by a penalty proportionate with the nature of the act or omission. In the case of expert testimony, the penalty can range from imprisonment (imprisonment and personal liability for unpaid fines subsidiary) to the deprivation of rights (specific disqualification from employment, public office or profession, in this case, his tenure as an expert) and the fine. The penalties to be imposed according to the offense would be the following:
• Felony. In the case of the expert it never happens because it is not accounted for in the penal code, prison terms of more than 5 years or total disqualification from office.
• Misdemeanour. In expert performance, the imprisonment of six months to six years to twelve years disqualifications and fines of more than three months.
• Faults. For the expert, the fine of ten days to two months, applicable for cases where the fines are proportional to the amounts defrauded.

In the case of economic damages (Article 50 CP, as amended by Organic Law 15/2003) they will be applied by the system of "day-fine ', whose extension, in general, is at least 10 days and a maximum of two years, the have a minimum daily fee of 2 euros and a maximum of 400 euros the amount takes into account the economic situation of the defendant. In the art. CP 459 it establishes the

penalties imposed "to experts and interpreters who alter the truth maliciously in its opinion or translation." These penalties are given by the upper half of those in the art. 458.1 (imprisonment for six months to two years and a fine of three to six months), also "punishable with the penalty of disqualification from a profession or occupation, employment or public office, for a period of six to twelve years."
Moreover, Article 460 CP introduces a notion of false testimony (in this case calls the doctrine as "partial" or "improper"), establishing fines for six to twelve months and, where appropriate, suspends the expert in charge for six months to three years for certain cases: "When a witness, expert or interpreter, without failing substantially to tell the truth, alters reluctantly, inaccuracies or silencing relevant facts or data that were known, shall be punished with a fine of six to twelve months and, where appropriate, suspension of employment or public office, profession or occupation, six months to three years. "
For the crime of bribery, the offense is punished with imprisonment from two to six years, a fine of three times the value of the donation and disqualification from office for a time of seven to 12 years without prejudice to the punishment for the crime committed because of the gift or promise (in this case, the false testimony of the arts. 459 and 460 PC). Art. 420 governs cases in which the wrongful act for which the expert receives compensation doesn't constitute a crime, reducing the penalties to be imposed.

4 Administrative responsibility

4.1 Nature of administrative responsibility

Administrative responsibility has, in the case of expert testimony, a disciplinary character. It is caused by the infringement of legal provisions established both by the Administration of Justice and the professional bodies or organizations to which it is built by the expert. In general, the failure of the rule is penalized by a fine whose amount is imposed in each case depending on the seriousness of the violation or disciplinary action regarding the disqualification of the expert to exercise that capacity. This responsibility is entirely compatible with those of civil and criminal referring to the same event.

4.2 Assumptions of administrative responsability

4.2.1 Liability for breach of disciplinary rules in the Administration of Justice

Organic Law 6 / 1985 of 1 July, the judiciary, regulates in Article 193-1 (and, by reference to this, Article 192) to impose disciplinary measures to the experts who act incorrectly in the view and judicial acts. It establishes the possibility of expulsion from the room or fine when the consideration, respect and obedience due to judges, prosecutors, clerks and other personnel working for the Administration of Justice is not observed (Cristensen, 2004).
Within the civil and criminal jurisdiction it establishes the penalties applicable to the expert who breach their duty to appear before the judge. In addition, the Criminal Procedure Act allows damages for breach of certain duties by the expert. The expert must abstain from participating, and therefore does not accept the appointment by the courts, as specified in Article 105 of the LEC, when the circumstances indicated to the disqualification of expert witness in Section 124, which refers also to Article 219 of the Judicial Power Organization Act. The expert will be penalized if he accepts an appointment with prior knowledge that inconsistency is incurred for attending any of the circumstances:
- Technical failure to do the dictum

- Incompetence or favouritism manifested

- Assignment of responsibilities.

- Expressing oneself on matters not related to the object nor direct relationship to them.

The experts appointed by the parties may only be subject to reproach for the reasons and in the manner provided for in Articles 343 and 344 of the LEC, but they can never be challenged by the parties, as provided in paragraph 2 of Article 124). On the other hand, you cannot provide expert opinion in everyone who has been offended.

4.2.2 Liability for breach of professional school rules

The Rules of Professional Conduct ethical standards of the Architects of CSCAE establishes certain assumptions applicable to professional architects and experts involved. Certain items are extended to the expert performance as part of the architect's own professional activities:
Article 12. The architect shall act with honesty and sincerity in all professional activities. When acting on a mission of experts, expert witness or juror, or where in any of its fields of activity, be issuing any kind of certification, support its discretion in those proven facts so warrant.
Article 23. No architect may violate professional obligations, and shall assume legal responsibility not only derived from their performances, but also those of occupational responsibilities inherent in accepting the job. Without prejudice to the legal liabilities that may incur, will also respond before the professional school for the damage that may be caused by incompetence, negligence, error, lack of foresight, risk, lack of adequate commitment or failure in its performance.
Furthermore, Article 51 may apply to the expert critical analysis that he is required to do, both in his own dictum and in the statements made in the ratification of other opinions into the process and have been drawn up by architects (art. 347. January 5 th LEC) in conjunction with the formal content of such analysis:
Article 51. Every architect should be objective in his criticism of the works of his colleagues and accept criticism with the same objectivity. The architect must refrain from making statements that are personally offensive to their colleagues or to the profession. Shall, however, notify the school of any breach of professional duties that may arise.

4.3 Damages or penalties resulting from administrative responsibility

Therefore, damages or penalties resulting from administrative responsibility are economic or disciplinary action. As stated in Articles 192 and 193 of the CP, the expert may be sentenced to a fine of up to two months if he disrespects judges and other members of the Administration of Justice.
In turn, the Civil Procedure Law states in Article 292.1 of fines that will fall on the expert for breach of the obligation to appear at a hearing. Violation of this duty is punishable, upon hearing for five days, a fine of 180 to 600 euros (writing as RD 1417/2001)
In Article 420 CC states that if the expert resists to declare what he knew about the facts that might be asked he does not fall within the exemptions of the above items and will incur a fine of 200 to 5,000 euros, and if he persists in his resistance will be taken before the presence of the investigating judge by the agents of authority, and persecuted for the crime of obstruction of justice crime under article 463.1 of the Penal Code (cited below) In the second case he will also be pursued for serious disobedience to authority. The fine will be imposed when the breach is detected or done.
In Article 464 states , despite the expert being the offended party in the procedure, went ahead with the report without putting expert report before the judge who had appointed him he will incur a fine of 200 to 5,000 euros, unless the act produces a criminal liability. With respect to citations of experts in CP Article 175 establishes the obligation to attend the first appeal, under penalty of 200 to 5,000 euros, or longer if the second does occur, the to attend on pain of be prosecuted as liable of the crime of obstruction of justice crime under article 463.1 of the Penal Code (writing under Law 38/2002 of October 24). In turn, Article 463 of CC indicates that if referred to in legal form, fails to appear voluntarily without just cause, before a court or tribunal to convict in criminal proceedings on remand, causing the suspension of the trial, shall be punished with imprisonment for three to six months or a fine of six to 24 months. In the fine of six to 10 months will incur which, having been

warned, do it for the second time in a criminal case without defendant in prison, has caused or not the suspension. (Writing under Law 15/2003 of 25 November)
Moreover, the breach of the Rules of Professional Conduct ethical standards of Architects for professional expert witness may incur lower Experts List to periodically move the competent bodies such as professional associations to different courts. Before agreeing to be granted forced down the person concerned a hearing within 10 days for claiming in his defense as it sees fit. This will require you petition the competent judicial body prior to the Board of Governors, who's moved to the Ethics Commission or the complaint filed against the former directly by any party interested in the opinion or some college as it deems have been unfairly prejudiced by the expert's report. The low will be effective at the time that the penalty becomes final.

5 Conclusions

The professional who acts as an expert before the court intervenes as an expert in his discipline, so a lot is expected of him in the technical aspects related to the issue which prompted review. On the other hand, the technical opinion of the expert will form part of a process in which the judge must rule on the facts in accordance with the rules of law. The expert should be knowledgeable of the procedure that regulates his intervention before the court of law, whether they had been appointed by the judicial organ or his opinion had been brought to the process by the parties. And this responsibility takes place both in the field of criminal justice, civil and disciplinary, as in all of them may incur as a result.

6 References

Christensen, S. (2004) *Proffesional Liability and Property Transactions.* The Federation Press. Sidney.

Farr, M. (2005), *The Surveyor Expert witness Handbook: Valuation.* EG Books. Glasgow.

Flores Prada, I. (2006) *La prueba pericial de parte en el proceso civil.* Editorial Tirant lo Blanch, S.L.. Valencia.

Font Serra, E. (2000) *El dictamen de peritos y el reconocimiento pericial en el proceso civil.* La Ley, Las Rozas.

Gamble, R. (1987), *Professional Liability for Engineers and Architects*, Noyes Data Corporation, New Jersey.

Gillardin, J. (1989) *Statuts et Responsabilites des Edificateurs L´Architecte, L´Entrepreneur et le Promoteur,* Facultes Universitaries Saint-Louis, Bruxelles.

Gutierrez Muñoz, S. (2009) *La prueba pericial en el proceso civil.* Editorial Bosch, S.A. Barcelona.

Illescas Rus, Á. (2002) *La prueba pericial en la Ley 1/2000 de Enjuiciamiento Civil.* Editorial Aranzadi, S.A. Cizur Menor.

Kendall, J; Freedman, C and Farrell, J. (2008) *Expert Determination.*. Sweet & Maxwell.

Ledesma Ibáñez, I. (2006) *La prueba pericial en el proceso civil.* Consejo General del Poder Judicial. Madrid.

López-Muñiz Goñi, M. (2004) *La prueba pericial. Guía práctica y jurisprudencia.* Editorial Constitución y Leyes S.A. Majadahonda.

Luaces Gutierrez, A. (2006) *La prueba pericial en el proceso administrativo: incidencias prácticas por la aplicación de la L.E.C.* Editorial Centro de Estudios Ramón Areces, S.A. Madrid.

Magro Servet, Vicente. *La prueba pericial en la Ley de Enjuiciamiento Civil y en la ley de Ordenación de la Edificación.* La Ley. Las Rozas, 2008.

Martín Sánchez, Tomás. *Prueba pericial judicial y extrajudicial: formularios y jurisprudencia.* Dykinson, S.L. Libros. Madrid, 1999.

Morris, A. (20059 *The Surveyor as Expert Witnes: Building and Development Play.* EG Practice. Glasgow.

Reynolds, M P. (2002) *The Expert witness in Construction Disputes.* Blackwell Science Ltd. Oxford.
Sardiza Asensio, Javier. *Guía del arquitecto perito.* Fundación Coam, Madrid, 2005.
Sido, K. (2005) *Architect and Engineer Liability: Claims Against Design Professionals.* Aspen Publishers. New York.
Xiol, J. (2002), *Dictámenes Periciales Urbanísticos,* La Ley Actualidad SA, Madrid.